



Paper No. 7

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COPY MAILED**AUG 20 2002****OFFICE OF PETITIONS**

In re Application of
Vasey-Glandon et al.
Application No. 09/987,452
Filed: November 14, 2001
Attorney Docket No. D-3988CIP

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: DECISION GRANTING PETITION
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This is a decision on the petition filed May 30, 2002, requesting that Figure 10D described in the specification be accorded a filing date of November 14, 2001, as part of the original disclosure.

On November 14, 2001, applicants filed the above-identified application. On November 30, 2001, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 14, 2001, and requiring applicants to submit the statutory basic filing fee, additional claim fees, an executed oath or declaration, a surcharge, and substitute drawings in compliance with 37 CFR 1.84. Additionally, the Notice advised applicants that Figure 10D described in the specification appeared to have been omitted.

In response, on May 30, 2002, applicants filed, inter alia, the present petition, a copy of one (1) sheet of drawings, containing Figure 10D and substitute drawings. The petition was accompanied by a copy of applicants' postcard receipt acknowledging receipt of 68 sheets of drawings on November 14, 2001.

Upon review of the record, Figure 10D, deposited on November 14, 2001, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 14, 2001, included Figure 10D, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 10D, was complete on filing and entitled to a filing date of November 14, 2001.

Accordingly, the petition is granted.

The requirement for the omitted drawing figure set forth in the Notice of November 30, 2001, was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The application file is being forwarded to the Office of Initial Patent Examination for review of the substitute drawings and for further processing with a filing date of November 14, 2001, using the substitute drawings submitted on May 30, 2002. The Office record should indicate that 68 sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

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